

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

ROBERT B. EUBANK,

Plaintiff,

vs.

JEFFERSON COUNTY, et al.,

Defendants.

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Case No. 2:04-cv-03449-TMP

MEMORANDUM OPINION

The magistrate judge filed his second report and recommendation in this action on May 12, 2006, recommending that the motion for summary judgment filed by Jefferson County, Alabama, be granted and all claims against the county dismissed with prejudice. To date, no party has filed objects to the report and recommendation.

Having now carefully reviewed and considered *de novo* all materials in the court file, the court finds that the report is due to be and hereby is ADOPTED and the recommendation ACCEPTED. Accordingly, the court deems that motion to dismissed filed by Jefferson County, Alabama, (doc. 10) to be a motion for summary judgment. The court further finds that there are no genuine issues of material fact relating to the motion and that Jefferson County, Alabama, is entitled to judgment as a matter of law. By separate judgment, the court will enter summary judgment in favor of this defendant.

DONE this 19<sup>th</sup> day of July, 2006.

  
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INGE PRYTZ JOHNSON  
U.S. DISTRICT JUDGE